

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

ABIGAIL COSLOW, as Personal  
Representative of the Estate of  
KANDY COSLOW, Deceased,

Plaintiff,

Case No: 1:25-cv-10455  
Hon. Thomas L. Ludington

v.

FOOTPRINT ACQUISITION, LLC, an  
Illinois limited liability company, and  
THE TRAVELERS INDEMNITY COMPANY  
OF CONNECTICUT, a Connecticut  
domiciled insurance company,

Defendants.

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**DEFENDANTS FOOTPRINT ACQUISITION, LLC AND THE  
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT'S MOTION  
TO DISMISS PURSUANT TO FED R. CIV. P. (12)(b)(1) AND (6)**

Defendants, Footprint Acquisition, LLC (“Footprint”) and The Travelers Indemnity Company of Connecticut (“Travelers”) (collectively, “Defendants”), bring this motion to dismiss the complaint filed by Plaintiff Abigail Coslow (“Plaintiff”), as Personal Representative of the Estate of Kandy Coslow, Deceased (“Decedent Coslow”), pursuant to Fed. R. Civ. P. 12(b)(1) and (6) on the grounds that (1) this lawsuit is an improper collateral attack on the Michigan state court’s ruling in an underlying liability action; (2) Plaintiff lacks standing because this lawsuit is an improper direct action against Travelers and because Decedent Coslow

has never been an insured or an intended third party beneficiary under the insurance policy issued by Travelers; and (3) Plaintiff lacks standing because the issue in this lawsuit is not ripe given that the primary insurance policy has not been exhausted and there has been no determination of liability in the underlying action. Defendants rely on the facts, legal authorities, and arguments set forth in the Brief in Support filed herewith.

Pursuant to Local Rule 7.1(a)(1), by telephone calls and emails on April 18, 2025, the undersigned conferred with Plaintiff's counsel, explained the nature of this motion and its legal basis; and requested but did not obtain concurrence in the relief sought, hence necessitating the filing of this motion.

WHEREFORE, Defendants respectfully request that the Court enter an order granting this Motion and dismissing Plaintiff's Complaint in its entirety, with prejudice, and grant such other relief that this Court deems appropriate, just, and equitable, including costs and attorney fees.

Respectfully submitted,

s/ Charles W. Browning

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DATED: April 18, 2025